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EXAMINER
DAS, CHAMELI

ART UNIT	PAPER NUMBER
2122	

DATE MAILED: 02/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
Office Action Summary		09/751,781	ARTZI ET AL.
		Examiner	Art Unit
		CHAMELI C DAS	2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>30 December 2000</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-48</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-48</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>2/9/05</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

1.   Claims 1-48 are pending.

Double Patenting

2.   **The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).**

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3.   Claims 1-48 are rejected under the judicially created doctrine of

obviousness-type double patenting as being unpatentable over claims 1-32 of US

Patent 6,757,894.

Although the conflicting claims are not identical, but they are not patentably

distinct from each other because they are obvious variation of each other.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention.

As per claim 13, the limitation, "identifying ones of the collection of collections of

executable blocks" is not clear. The examiner interprets the claim as "identifying ones

of the collections of executable blocks;"

As per claim 13, the limitation, "sending the InitBlock Bundle comprises omitting

blocks stored already stored at the client" is unclear because the present specification

does not clearly explain about "omitting blocks".

The examiner interprets the claim as "sending the InitBlock bundle to the client

computer".

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-13, 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Seguchi, US 6,633,989 and further in view of the background section.

As per claim 1, Seguchi discloses:

-          forming an Initblock bundle comprising blocks executable during

initialization of the plurality of applications, at least one block from each

application being included in the Initblock bundle (col 9, lines 2-20, FIG

17. and col 22, lines 63-67), where, "initial setting module" with "service

Module" is the Initblock bundle

-        sending the Initblock Bundle to a client computer (col 13, lines 45-55)

-        sending other blocks from the plurality of collections of executable blocks

         to the client computer (col 14, lines 20-30) subsequent to a start of

         execution of the InitBlock Bundle (col 13, lines 63-65 and col 14, lines 1-

         11).

Seguchi discloses that the service is divided into plurality of blocks (abstract,

lines 1-13, col 4, lines 43-60). Seguhci's background section clearly shows that the

application program is divided into plurality of executable blocks (col 3, lines 5-16). The

modification would be obvious because one of the ordinary skill in the art would be

motivated to transmit the blocks only which is required by the users for distributing a

work load to multiple sites properly.

As per claim 2, Seguchi discloses:

-        the plurality of applications comprise at least one application subscribed

         to by a user and at least one application not subscribed to by the user

         (col 11, lines 25-35 and col 12, lines 60-65), where "the user selects a

         desired service" is the "application subscribed to by a user" and the rest

         of the services which the user does not selects are "not subscribed to by

         the user" as claimed

- monitoring execution of application … usage pattern (col 11 ,lines 6-20)

- based on the usage pattern, sending data to the client terminal to display information about a first one of the unsubscribed applications (col 12, lines 60-65) and (col 11 lines 25-30), clearly shows that the "service list" has displayed, and the service list contains both the subscribed and not subscribed application.

For claim 3, (col 11, lines 25-30, col 12, lines 60-65), clearly shows that the "service list" has displayed, and the service list contains both the subscribed and not subscribed application. "The user can select a desired service using an input device" clearly shows that "subscribed to the first one of the unsubscribed applications as claimed.

For claim 4, (col 11, lines 25-35).

For claim 5, (col 12, lines 54-60, col 13, lines 46-55).

For claim 6, (col 13, lines 9-54).

For claim 7, (col 9, lines 53-67, col 10, lines 1-5).

For claim 8, (col 8, lines 63-67, col 9, lines 1-12, col 11 lines 25-35, col 11, lines 6-20).

For claim 9, (col 11, lines 5-15, col 12 lines 34-40).

For claim 10, (col 9 lines 1-18).

For claim 11, (col 11, lines 25-31, col 12, lines 54-64).

For claim 12, (col 15, lines 1-16).

For claim 13, (col 9, lines 55-67, col 10, lines 1-15, col 8 lines 55-62).

As per claim 19, Seguchi discloses:

- *a database storing a plurality of executable applications segmented into a plurality of code blocks* (col 8, lines 25-30, abstract, lines 1-13, . col 4, lines 43-60)

- *each application's plurality of code blocks comprising a set of initialization code blocks* (col 9, lines 2-20, FIG 17. and col 22, lines 63-67)

- *a processor operatively coupled to a network interface... processor* (col 8 lines 25-51)

- *form an initialization block ... applications* (col 9, lines 2-20, FIG 17. and col 22, lines 63-67)

- *send the initialization block... interface* (col 13, lines 45-55, col 14, lines 20-30, col 8 lines 25-35).

For claim 20, (col 8, lines 63-67, col 9, lines 1-12, col 11 lines 25-35, col 11, lines 6-20).

For claim 21, (col 9, lines 51-66, col 10 lines 1-15), (col 12, lines 60-65), (col 11 lines 25-35).

Seguchi discloses that user can select the service program and access ID. Seguchi does not specifically disclose "query of the database" and the "restriction data". However, the background art of the Seguchi discloses "query of the database" (col 2, lines 43-53) and the "restriction data" (col 3,lines 45-55). The

modification would be obvious because one of the ordinary skill in the art would

be motivated to delivers the service according to the user's desire securely.

For claim 22, (col 11, lines 25-30, col 12, lines 60-65) and (col 3 lines 45-55).

6.   Claims 14-16, 23-25, 30-48 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Seguchi, US 6,633,989 and further in view of Sato, US 6,839,765.

As per claims 14, 23, Seguchi discloses:

-       sending form a server to a client a key value identifying a block (col 9,

        lines 51-60), where the server delivered the service module to the client,

        and the service module has name as ***"service module name"***, clearly

        shows that a key value identifying a block as claimed

-       receiving a response at the server from the client indicating whether the

        client has a locally stored copy of the block (col 13, lines 1-23), where

        the client has the same version number initial setting module indicates

        that the client has locally stored copy of the block

-       sending the block to the client if the client does not have a locally stored

        copy (col 13, lines 24-54).

As per claim 14, Seguchi discloses the module (block) sending from server to

client. Seguchi does not specifically disclose the block is streamable. However,

Sato discloses that the blocks are streamable (col 2 lines 8-47). The modification

would be obvious because one of the ordinary skill in the art would be motivated

to transfer the data sequentially and continuously via network.

For claims 15-16, and 24, (col 13, lines 1-65), and the rejection of claim 14.

As per claim 25, Seguchi discloses:

- packaging the blocks into a repository from which the blocks can be individually extracted (col 8 lines 53-67, col 1-14)

- generating an application package... to a client (col 4 lines 43-60)

Seguchi's background section specifically disclose diving a portion of the application into blocks (col 3, lines 5-15). The modification would be obvious because one of the ordinary skill in the art would be motivated to transmit the blocks only which is required by the users for distributing a work load to multiple sites properly.

Seguchi discloses the module (block) sending from server to client. Seguchi does not specifically disclose the block is streamable. However, Sato discloses that the blocks are streamable (col 2 lines 8-47). The modification would be obvious because one of the ordinary skill in the art would be motivated to transfer the data sequentially and continuously via network.

For claim 30, (Seguchi, col 9, lines 45-50).

For claim 31, Seguchi discloses a permit access to blocks (col 9, lines 45-65). Seguchi does not specifically disclose an offset. However, official notice is taken for offset in the file. The modification would be obvious because one of the ordinary skill in the art would be motivated to calculate the relative address of the file.

For claim 32, (Seguchi, col 10,lines 51-65, col 11 lines 10-35).

For claim 33, (Seguchi, col 10,lines 51-65, col 11 lines 10-35).

For claim 34, (Seguchi, col 12,lines 60-65). Seguchi does not specifically

disclose minimal set of blocks. However, official notice is taken for minimal set of

blocks. The modification would be obvious because one of the ordinary skill in

the art would be motivated to represent the minimum size in the storage. For

streamlet set see the rejection of claim 25 above.

For claim 35, (Seguchi, col 12, lines 60-65).

As per claim 36, Seguchi discloses:

-        executing software application (Seguchi, col 12, lines 60-65),

-        monitoring file block load request at least until a designated startup point

         has been reached by the software application (col 10,lines 15-25, col 10,

         lines 58-67)

-        identifying the file blocks which were loaded prior to reaching the startup

         point (col 18, lines 16-27, col 23, lines 5-15).

As per claim 37, (Seguchi, col 15, lines 41-48).

        As per claim 38, Seguchi does not specifically disclose generating a

predictive model and providing the predictive model for distribution as claimed.

However, Sato discloses generating a predictive model and providing the

predictive model for distribution as claimed (col 5, lines 43-66 and col 6 lines 1-5,

col 9 lines 35-50). The modification would be obvious because one of the

ordinary skill in the art would be motivated to transfer and executes the data

blocks sequentially in a multimedia system.

For claim 39, (Sato, col 9, lines 35-50).

As per claim 40, Seguchi discloses, determining a file structure ... application (col 25-30), where "data base" is the file structure. For the rest of the limitations, see the rejection of claim 25 above.

As per claim 41, Seguchi discloses each blocks during file reads by a operating system expected to be present on a system executing the application (Seguchi, col 9 lines 19-28). Seguchi does not specifically disclose block has a equal page size. However, official notice is taken for equal page size. The modification would be obvious because one of the ordinary skill in the art would be motivated to represent the minimum size in the storage.

For claim 42, see the rejection of claim 31 above.

For claim 43, see the rejection of claim 32 above.

For claim 44, see the rejection of claims 34 and 35 above.

For claim 45, see the rejection of claim 36 above.

For claim 46, see the rejection of claim 37 above.

For claim 47, see the rejection of claim 38 above.

For claim 48, see the rejection of claim 39 above.

7.   Claims 17- 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seguchi, US 6,633,989 and further in view of Sato, US 6,839,765 and the Microsoft Computer Dictionary.

As per claim 17, Neither Seguchi nor Sato specifically disclose a hashing value. However, the Microsoft computer dictionary discloses the "hashing value", (page

228, see "hash"). The modification would be obvious because one of the

ordinary skill in the art would be motivated to create an identifier or key,

meaningful to a user (like digital signature) for secure transmission.

As per claim 18, Neither Seguchi nor Sato specifically disclose a digital

signature. However, the Microsoft computer dictionary discloses the "digital

signature" (see on page 145, "digital signature"). The modification would be

obvious because one of the ordinary skill in the art would be motivated to provide

a security mechanism used on the Internet that relies on keys.

8.   Claims 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Seguchi, US 6,633,989 and further in view of Sato and Kulakowski, US 5,394,534

As per claim 26, neither Seguchi nor Sato discloses compressing each block.

However, Kulakowski discloses compressing each block as claimed (Kulakowski,

abstract and col 5, lines 5-15). The modification would be obvious because one

of the ordinary skill in the art would be motivated to minimize the space in the

data storage unit.

For claim 27, (Kulakowski, col 13, lines 35-38). The modification would be

obvious because one of the ordinary skill in the art would be motivated to

minimize the space in the data storage unit.

For claim 28, Seguchi ,Sato or Kulakowski do not specifically disclose the block

size is four kilobyte. However, Official notice is taken for block size is four

kilobyte. The modification would be obvious because one of the ordinary skill in the art would be motivated to improve the storage capacity.

For claim 29, *(Seguchi*, col 22 lines 56-67, col 23, lines 1-5).

Conclusion

9.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. .

TITLE: Method and apparatus for caching a media stream, US 6463508 B1

TITLE: System for remote booting of multiple operating systems using chained bootstrap mechanism in a network, US 6810478 B1

TITLE: Method and apparatus for sending boot programs to workstation computers over a network in a controlled process, US 6748525 B1

TITLE: Providing address resolution information for self registration of clients on power-up or dial-in, US 5894479 A

TITLE: System and method for performing remote requests with an on-line service network, US 5956509 A

TITLE: On-the-fly trivial file transfer protocol, US 6170008 B1

TITLE: Internet-enabled voice-response service, US 6845098 B1

TITLE: Secure method and system for using a public network or email to administer to software on a plurality of client computers, US 6799197 B1

TITLE: Method for minimizing data relocation overhead in flash based file systems, US 6622199 B1

TITLE: Method and apparatus for managing boot images in a distributed data processing system, US 6421777 B1

10.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Chameli Das whose telephone number is 571-272-3696.

The examiner can normally be reached on Monday-Friday from 7:00 A.M. to 3:30

P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor Tuan Dam can be reached at 571-272-3695. The fax number for this

group is: (703) 872-9306.

An inquiry of general nature or relating to the status of this application or

proceeding should be directed to the group receptionist whose telephone number is

703-305-9600.

CHAMELI C. DAS
PRIMARY EXAMINER

2/9/05